



Appeal Decision

Site visit made on 30 January 2024

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th March 2024

Appeal Ref: APP/R0660/W/23/3326169

Oakenbank Farm, Oakenbank Lane, Rainow, Bollington, Macclesfield SK10 5RP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr James Dumbleton against the decision of Cheshire East Council.
 - The application Ref 23/1838M, dated 11 May 2023, was refused by notice dated 8 June 2023.
 - The development proposed is the erection of agricultural building for storing machinery and fodder.
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Decision

1. The appeal is allowed and prior approval is granted for the provisions of Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO) for the erection of agricultural building for storing machinery and fodder at Oakenbank Farm, Oakenbank Lane, Rainow, Bollington, Macclesfield SK10 5RP in accordance with the application Ref 23/1838M made on 11 May 2023, and the details submitted with it, including plan numbers OBF-001A, OBF-002A, and OBF-003, pursuant to Article 3(1) and Schedule 2, Part 6, Class A and the deemed conditions.

Preliminary Matters

2. Under Article 3(1) and Schedule 2, Part 6, Class A of the GPDO, planning permission is granted for the erection, extension or alteration of a building which is reasonably necessary for the purposes of agriculture subject to limitations and conditions.
3. Paragraph A.2.(2)(i) to Part 6 requires the developer to apply to the local planning authority for a determination as to whether prior approval is required for the siting, design and external appearance of the building, and the siting and means of construction of the private way.
4. In this case the Council found the development was not reasonably necessary for the purposes of agriculture and that prior approval would be required for the siting of the building.

Main Issues

5. Therefore, the main issues are; (i) whether the proposed development would be permitted development; and, if so, (ii) the visual effect of the proposed development on the surrounding area having regard to its siting and the means of construction.

Reasons

Whether Permitted Development

6. The appeal site comprises a small portion of a large field that is, in itself part of a much larger holding spread out across a wide area. The appeal site wraps around two sides of an existing menage which, at the time of my visit, was being used to hold parked vehicles, plant and machinery. During my visit I was able to walk through a number of the fields close to the appeal site. I did not see any evidence of horses being kept at the holding, however, I did note sheep and associated paraphernalia in the adjoining fields.
7. The number of sheep I saw at the site visit formed only a small part of the 380 ewes the appellant states are present on the farm. However, I am content that the number I saw is consistent with an agricultural holding. Moreover, through their submissions the appellant has provided evidence to support their case. In particular, I am mindful of the tuberculosis certificate, food receipts and confirmation of cattle movement. Although on their own these elements are small, I find that collectively they suggest that on the balance of probabilities agricultural activities, including the breeding and keeping of livestock, and the use of land for grazing, are being carried out. As such I consider the land to be agricultural. Whilst the submitted evidence is fairly recent, the GPDO does not set out a minimum time requirement for any operations to have been carried out. Although it is difficult to date the photographs showing sheep being moved near the site, I find that they still make a small contribution towards the more substantial evidence set out above.
8. Furthermore, whilst the menage area was formerly associated with an equestrian use, and there are associated planning permissions, I have no reason to believe that any equestrian use still continues.
9. I understand from the submissions before me that the appellant does not have access to any existing agricultural buildings and that the proposal would be used to store fodder, machinery, equipment and welfare goods. These uses are directly related to, and reasonably necessary for, agriculture. I am also content that the design and scale of the building would suitably accommodate these proposed uses.
10. The Council submits that the lack of an existing agricultural building demonstrates that there is no current agricultural use being carried out. However, I find this to be an overly restrictive view of what forms an agricultural unit or business.
11. For the above reasons, I find that the proposed building would be reasonably necessary for the purposes of agriculture as set out under Schedule 2, Part 6, Class A of the GPDO.

Character and Appearance

12. The appeal site is located within a rural area predominantly characterised by agricultural fields surrounded by hedgerows and small wooded areas. The land is hilly with the appeal site field forming one side of a small valley. Although there are a number of buildings set sporadically in the wider area, I did not note any buildings similar to the proposal and close to the appeal site.
13. Due to the lay of the land, the proposed barn would be set lower than the road serving it. This would, to a degree, reduce the prominence of the building. Moreover, mature trees surround the group of fields and would somewhat soften the building. Given the above, and the nature of the valley, more distant views would be restricted. Nevertheless, it would still be readily visible from Oakenbank Lane and from the opposite side of the valley. Even so, and although I am mindful that there are no other similar buildings visible in relationship to this proposal, I find that the design, scale and appearance of the barn is typical of modern agricultural buildings. Therefore, whilst it would be somewhat prominent, its agricultural appearance would not harm the character of its rural surroundings.
14. I recognise that the appeal site's location, within the Peak District National Park Fringe, is sensitive. However, I find that the simple, and relatively modest, agricultural design of the proposal would be in keeping with its setting in the rural surroundings.
15. In conclusion and given the above, I do not find that the siting or scale of the building would have an adverse visual impact on the surrounding area, including the NP.

Conditions

16. The GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions in Paragraphs A.2(2)(v) and (vi), and A.2(5). These specify that the development must be carried out, in accordance with the approved details submitted with the application, within 5 years of the date of this approval, and that it shall be removed should the agricultural use cease within 10 years, unless otherwise agreed.

Conclusion

17. For the reasons given above, and taking in to account all other matters and material considerations, I conclude that the proposal would be permitted development and would be acceptable with respect to character and appearance. The appeal should be allowed.

Samuel Watson

INSPECTOR